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12 and on behalf of herself and all others similarly situated

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MACKENZIE ANNE THOMA, a.k.a.
KENZIE ANNE, an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware limited
liability company; STRIKE 3
HOLDINGS, LLC, a Delaware limited
liability company; GENERAL MEDIA
SYSTEMS, LLC, a Delaware limited
liability company; MIKE MILLER, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO: 2:23-cv-04901-WLH
(AGRx)

*[Assigned for all purposes to the Hon.
Wesley L. Hsu]*

**PLAINTIFF'S EVIDENTIARY
OBJECTIONS TO EVIDENCE
SUBMITTED BY DEFENDANTS IN
THEIR MOTION TO DISMISS
COMPLAINT AND CLASS
CLAIMS**

[Filed Concurrently with Plaintiff's
Opposition to Defendants' Motion to
Dismiss]

HEARING INFORMATION

DATE: July 28, 2023
TIME: 1:00 p.m.
COURTRM: 9B

Plaintiff Mackenzie Anne Thoma (“Plaintiff” or “Ms. Thoma”) hereby submits the following Evidentiary Objections to the Evidence in Support of defendants VXN Group LLC (“VXN”); Strike 3 Holdings, LLC (“Strike 3”); General Media Systems, LLC (“GMS”); and Mike Miller (“Miller” and collectively with VXN, Strike 3, and GMS, “Defendants”) Motion to Dismiss Complaint and Class Claims (the “Motion”) as follows:

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
1.	Declaration of Brad S. Kane [“Kane Decl.”], ¶ 5: “Attached hereto as Exhibit 1 is a true and correct copy of Bibiyan’s <i>Juarez v. Calmet Services, Inc., et al.</i> Complaint filed in Los Angeles Superior Court (“LASC”) on September 13, 2021, and then removed to the Central District for the District of California [<i>sic</i>].”	<ol style="list-style-type: none"> 1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated. 	<p>Sustained:</p> <p>Overruled:</p>
2.	Kane Decl., ¶ 6: “Attached hereto as Exhibit 2 is a true and correct copy of Bibiyan’s <i>Rodriguez v. Raising Cane’s USA, LLC, et al.</i> Complaint filed in LASC on August 26, 2022, and then removed to the Central District for the District of California [<i>sic</i>].”	<ol style="list-style-type: none"> 1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated. 	<p>Sustained:</p> <p>Overruled:</p>

1 2 3 4 5 6 7 8	3.	Kane Decl., ¶ 7: “Attached hereto as Exhibit 3 is a true and correct copy of Bibiyan’s <i>Rivero v. Autozoners, LLC, et al.</i> Complaint filed in LASC on March 30, 2023, and then removed to the Central District for the District of California [<i>sic</i>].”	1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated.	Sustained: Overruled:
9 10 11 12 13 14 15 16	4.	Kane Decl., ¶ 7: “Attached hereto as Exhibit 4 is a true and correct copy of Bibiyan’s <i>Men Chan v. Panera, LLC, et al.</i> Complaint filed in LASC on April 21, 2023, and then removed to the Central District for the District of California [<i>sic</i>].”	1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated.	Sustained: Overruled:

Dated: July 7, 2023

BIBIYAN LAW GROUP, P.C.

BY: /s/ Sarah Cohen

SARAH COHEN

Attorneys for Plaintiff MACKENZIE ANNE THOMA, and on behalf of herself and all others similarly situated

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 8484 Wilshire Blvd., Suite 500, Beverly Hills, California 90211.

I certify that on July 7, 2023, I electronically filed the following document(s) described as **PLAINTIFF'S EVIDENTIARY OBJECTIONS TO EVIDENCE SUBMITTED BY DEFENDANTS IN THEIR MOTION TO DISMISS COMPLAINT AND CLASS CLAIMS**, and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2023, at Beverly Hills, California.

/s/ Bryant Gamez

Bryant Gamez